

REMARKS

This is an amendment after final action and request for reconsideration filed under 37 C.F.R. § 1.116 in response to the final Office Action mailed on April 25, 2011.

The proposed new independent claim 38 has been prepared in order to accept the subject matter in the previously pending claims that was considered to be allowable according to paragraph 13 on page 13 of the **final** office Action mailed on April 25, 2011. Independent claim 19 and dependent claims 27, 28, 31, 32, 33, and 34 have been canceled, because their subject matter is included in the new claim 38 or other dependent claims and/or is confusing. The remaining dependent claims have been amended so that they depend on claim 38.

Rule 116 permits cancellation of claims and entry of amended claims after a final action in situations in which the changes are made in order to comply with the requirements of the final Office Action (37 C.F.R. § 1.116 (b) (1)). The proposed new independent claim 38 has been drafted to include the features and limitations of canceled dependent claim 33 and all the limitations of the base claims 27 and 19

and the intervening claims 31 and 32, which was required in paragraph 13 on page 13 of the final Office Action.

A new independent method claim was necessitated (instead of an amended independent claim 33) because of the extensive changes in claim wording required to provide a claim wording that particularly pointed out and distinctly claimed the subject matter according to canceled dependent claim 33 and the claims on which it depended. Applicants could not be expected to anticipate prior to the issuance of the final Office Action that canceled dependent claim 33 would be the sole claim containing allowable subject matter. Thus entry of the new set of claims is respectfully requested in accordance with 37 C.F.R. § 1.116 (b) (3).

I. Proposed New Claim 38 Contains the Allowable Subject Matter

This section shows that the proposed claim 38 contains all the allowable subject matter according to paragraph 13 on page 13 of the final Office Action. The allowable subject matter according to the final Office Action is the method with the features and limitations of dependent claims 31, 32, and 33 and also of claim 27. However since claim 27 depends on claim 19 applicants assume that the allowable

subject matter must also include the features and limitations of claim 19.

The preamble of proposed claim 38 differs from the preamble of claim 19 because claim 27, lines 2 to 4, includes planning an inspection path for the optical picture-taking device for inspection of a three-dimensional object. Logically determining one or more areas to be inspected on a surface of the three-dimensional object is part of planning an inspection path. For that reason the preamble of proposed claim 38 includes the subject matter from claim 27, lines 2 to 4, regarding planning the inspection path for the picture-taking device. The subject matter regarding the displacement device in lines 3 and 4 of the proposed claim 38 is taken from claim 27, lines 2 to 3.

Step a of the proposed claim 38 is taken from line 2 of claim 31. Step b of the proposed claim 38 includes steps a, b and c of claim 19. Step c of the proposed claim 38 includes the features in lines 3 to 9 of claim 27. Step d of the proposed claim 38 includes the remaining features in claim 27, lines 9 and following, and also the features of claim 31, lines 3 to 6, and claim 33 (inspection path determined by arithmetic and logic unit is as short as possible). Step e of claim 38 includes the features and limitations of claim 32. Step f of claim 38 includes the features and limitations of step d of claim 19.

II. Claims Drawn to Allowable Subject Matter

Since the proposed new independent method claim 38 has been shown to include the allowable subject matter according to paragraph 13 on page 13 of the final Office Action, entry and allowance of claim 38 is respectfully requested. Also allowance of amended dependent claims 20 to 26, 29, 30, 35, 36 and 37, as proposed, is respectfully requested.

III. Claim Rejections in the Final Action

Claims 19 to 22 were rejected as anticipated under 35 U.S.C. § 102 (b) by US Patent 6,064,759, Buckley.

Claims 23 to 24 were rejected as obvious under 35 U.S.C. § 103 (a) over Buckley in view of US Patent 4,970,666 (Welsh).

Claims 25 to 26 were rejected as obvious under 35 U.S.C. § 103 (a) over Buckley in view of US Patent 4,970,666 (Welsh), and further in view of US Patent 5,706,408 (Pryor).

Claims 27, 29, 31, 32 and 34 to 37 were rejected as obvious under 35 U.S.C. § 103 (a) over Buckley in view of US Patent 4,970,666 (Welsh), and further in view of Rankin.

Claim 30 was rejected as obvious under 35 U.S.C. § 103 (a) over Buckley in view of US Patent 4,970,666 (Welsh), and further in view of Rankin, and further in view of US Patent 6,167,151, Albeck.


The aforesaid rejections based on the prior art have been obviated by the cancellation of independent claim 19 and dependent claim 27.

Applicants do not necessarily agree that any of the aforesaid rejections based on the prior art are applicable to the claims as stated, but only wish to accept the patent claim coverage that the Office is willing to provide so that a US Patent will issue in an expeditious manner.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance the Examiner is invited to telephone the undersigned at 1-631-549-4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,


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